



FOLEY & LARDNER LLP
ATTORNEYS AT LAW
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60610-4764
TELEPHONE: 312.832.4500
FACSIMILE: 312.832.4700
WWW.FOLEY.COM

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From : Matthew E. Martin
Email Address : memartin@foley.com
Sender's Direct Dial : 312.832.4559
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Atty. Dkt. No. 054804-0101

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APR 20 2005

Applicant: Ladlow et al.

Title: PARALLEL REACTION
STATION WITH MAGNETIC
STIRRING

Appl. No.: 09/509,147

Filing Date: 05/25/2000

Examiner: B. Gordon

Art Unit: 1743

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I hereby certify that this paper is being transmitted via facsimile to the attention of Examiner Brian R. Gordon (Fax No. 703-672-9306) at the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

BRIAN R. GORDON
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APRIL 20, 2005
(Date of Deposit)

SUPPLEMENTAL COMMENTS TO REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability indicates that corrected drawings must be submitted including the changes indicated in the Office Action of September 14, 2001. Applicants submitted corrections to the figures in a response of February 14, 2002. The Examiner indicated that the replacement figures were not accepted as the figure does not show the "guide means".

On appeal, the Board of Patent Appeals and Interferences' opinion (see, e.g., page 12) clearly established that the guide means comprises the rim and the recess. Applicants have attached the relevant pages of the opinion for the Examiner's reference if desired. The figures include both the recess 5a and the rim 5b (see Fig. 3).

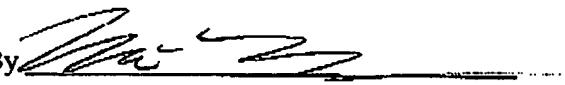
Attorney for the Applicants, Matt Martin contacted Examiner Gordon on April 20, 2005 and indicated that Applicants have complied, via the earlier amendment, with the requirements of the September 14, 2001 Office Action and understand the reference in the Notice of Allowability to refer to the submission of the formal drawings.

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If the Examiner disagrees with Applicants' statements or wishes to discuss them, Applicants encourage the Examiner to contact their representative Michael Rechtin (312-832-4586).

Respectfully submitted,

Date April 20, 2005

By 

FOLEY & LARDNER LLP
Customer Number: 27433
Telephone: (312) 832-4586
Facsimile: (312) 832-4700

Michael D. Rechtin
Attorney for Applicants
Registration No. 30,128

Matthew E. Martin
Attorney for Applicants
Registration No. 53,274

Appeal No. 2004-2052
Application 09/509,147

brief specifically addressing this aspect of the examiner's indefiniteness rejection, we will summarily sustain. It follows that claims 14 through 16 which depend from independent claim 13 are also indefinite as a result of their dependency, and that the examiner's rejection of those claims under the second paragraph of 35 U.S.C. § 112 will also be sustained.

As a result of the foregoing, it is clear that at least one basis for the examiner's rejection of claims 1 and 3 through 20 under 35 U.S.C. § 112, second paragraph, has been sustained. Thus, the decision of the examiner rejecting those claims as being indefinite is affirmed.

We have also looked to the additional aspects of purported indefiniteness noted by the examiner in the paragraphs bridging pages 5 and 6 of the answer and specifically concerning dependent claims 3, 4, 12, 13, 17 and 19 on appeal, but find that we do not agree with the examiner's position concerning those aspects of the rejection. Regarding the examiner's assertion that claim 1 cannot be limited by claim 3, we agree with appellants' argument on page 3 of the brief that the "guide means" of claim 3 includes both the rim and the recess, as generally stated in the second

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full paragraph on page 2 of the specification. Thus, the recitations of claim 3 do to some extent further limit claim 1. Regarding claims 4, 5, 17 and 19, we find nothing intrinsically wrong with appellants' recitation of a "fixing means for holding a plurality of reaction vessels" in independent claims 1 and 11, and the subsequent recitation in dependent claim 4 that such fixing means specifically "comprise [sic] a plurality of sockets," while in dependent claims 17 and 19 it is recited that such fixing means "comprises a plurality of holders." In that regard, we note that Figures 1-3 of the drawings of the present application show one form of socket or holder (2), while Figure 4 shows another form of socket/holder (13). As for the recitation in claim 12 concerning a hotplate operatively connected to the magnetic stirrer, and of claims 12 and 13 concerning a condenser unit operatively connected to the adapter block, although we find the language employed in these claims to be somewhat awkward and cumbersome, we are of the view that one of ordinary skill in the art reading the specification and viewing the drawings of the present application would be reasonably apprised of the fact that the magnetic stirrer, or magnetic stirrer assembly, includes a hotplate operatively connected to the magnetic stirrer and a condenser unit (12) operatively connected to or associated with